

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAFEWAY ACQUISITION
COMPANY LLC,

Plaintiff,

vs.

HURON CHARTER TOWNSHIP

Defendant.

James P. Allen, Sr. (P52885)
SCHENK & BRUETSCH, PLC
Attorneys for Plaintiff
211 W. Fort St., Ste. 1410
Detroit, MI 48226
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Case No. 4:23-cv-10709
Hon. F. Kay Behm
Mag. Anthony P. Patti

Matthew J. Zalewski (P72207)
Melanie Hesano (P82519)
ROSATI SCHULTZ JOPPICH &
AMTSBUECHLER, P.C.
Attorneys for Defendant
27555 Executive Dr., Ste. 250
Farmington Hills, MI 48331
(248) 489-4100
mzalewski@rsjalaw.com

PLAINTIFF SAFEWAY'S WITNESS LIST

Plaintiff Safeway Acquisition Company, LLC ("Safeway"), by and through their attorneys, SCHENK & BRUETSCH, PLC, and JAMES P. ALLEN, Sr., and for its witness list names the following Witnesses, all, or some of whom may be called at trial to testify:

1. **Sam Beydoun, Managing Member, Safeway**, c/o Schenk & Bruetsch PLC, 211 W. Fort St. Detroit 48226.
2. **Sam Sobh**, 9505 Groh, Ste. 280, Grose Ile, Michigan 48138.
3. **Andrew Cottrell, Director, Ghafari Associates**, 17101 Michigan Ave., Dearborn, Michigan, 48126, (313) 441-3000.

4. **Ron Moran, Director, Ghafari Associates**, 17101 Michigan Ave., Dearborn, Michigan, 48126, (313) 441-3000.

5. **David Glaab, Supervisor, Huron Township**, c/o Rosati, Schultz, Joppich, & Amtsbuechler, P.C., 27555 Executive Dr., Ste. 250, Farmington Hills, Michigan 48331, (248) 489-4100.

6. **John Enos, Director, Community Development**, c/o Rosati, Schultz, Joppich, & Amtsbuechler, P.C., 27555 Executive Dr., Ste. 250, Farmington Hills, Michigan 48331, (248) 489-4100.

7. **Debbie Musallam, Secretary, Township Planning Commission**, c/o Rosati, Schultz, Joppich, & Amtsbuechler, P.C., 27555 Executive Dr., Ste. 250, Farmington Hills, Michigan 48331, (248) 489-4100.

8. **Renee Sprindys, Clerk, Township Building and Zoning**, c/o Rosati, Schultz, Joppich, & Amtsbuechler, P.C., 27555 Executive Dr., Ste. 250, Farmington Hills, Michigan 48331, (248) 489-4100.

9. **Peter Glaab**, c/o Rosati, Schultz, Joppich, & Amtsbuechler, P.C., 27555 Executive Dr., Ste. 250, Farmington Hills, Michigan 48331, (248) 489-4100.

10. **Dan Gdowski, Member, Township Planning Commission**, c/o Rosati, Schultz, Joppich, & Amtsbuechler, P.C., 27555 Executive Dr., Ste. 250, Farmington Hills, Michigan 48331, (248) 489-4100.

11. **Maria Wroblewski, Member, Township Planning Commission**, c/o Rosati, Schultz, Joppich, & Amtsbuechler, P.C., 27555 Executive Dr., Ste. 250, Farmington Hills, Michigan 48331, (248) 489-4100.

12. **Colleen Lazere, Member, Township Planning Commission**, c/o Rosati, Schultz, Joppich, & Amtsbuechler, P.C., 27555 Executive Dr., Ste. 250, Farmington Hills, Michigan 48331, (248) 489-4100.

13. **Pete Weisman, Member, Township Planning Commission**, c/o Rosati, Schultz, Joppich, & Amtsbuechler, P.C., 27555 Executive Dr., Ste. 250, Farmington Hills, Michigan 48331, (248) 489-4100.

14. **Walt Irodenko, Member, Township Planning Commission**, c/o Rosati, Schultz, Joppich, & Amtsbuechler, P.C., 27555 Executive Dr., Ste. 250, Farmington Hills, Michigan 48331, (248) 489-4100.

15. **Tom Martin, Member, Township Planning Commission**, c/o Rosati, Schultz, Joppich, & Amtsbuechler, P.C., 27555 Executive Dr., Ste. 250, Farmington Hills, Michigan 48331, (248) 489-4100.

16. **Kyle Morton, Vice President, Ashley Capital**, 2575 S. Haggerty Rd., Ste. 500, Canton, Michigan 48188, (734) 394-1900.

Safeway **may call** the following witnesses:

17. **Souheil Sabak, President, Charles Raines Civil Engineers**, 17700 Fort St., Riverview, Michigan, 48193, (734) 285-7510.

18. **Hassan Sheikh, Deputy Director, Wayne County Economic Development**, 500 Griswold St., Detroit, Michigan 48226.

19. **Khalil Rahal, Former Deputy Executive, Wayne County Economic Development**, 500 Griswold St., Detroit, Michigan 48226.

20. **Al Haidous, Wayne County Commissioner**, Guardian Building, 500 Griswold, 7th Floor, Detroit, Michigan 48226.

21. **Michael Glaab, Township Board of Trustees**, c/o Rosati, Schultz, Joppich, & Amtsbuechler, P.C., 27555 Executive Dr., Ste. 250, Farmington Hills, Michigan 48331, (248) 489-4100.

22. **Angela Cady, Township Board of Trustees**, c/o Rosati, Schultz, Joppich, & Amtsbuechler, P.C., 27555 Executive Dr., Ste. 250, Farmington Hills, Michigan 48331, (248) 489-4100.

23. **Mike Balow, Ashley Capital**, 2575 S. Haggerty Rd., Ste. 500, Canton, Michigan 48188, (734) 394-1900.

24. **Jill Bauer, Senior Traffic Engineer, Fishbeck**, 39500 MacKenzie Dr., Ste. 100, Novi, Michigan, 48377, (248) 324-2090.

25. **Marc Russell, PEA Group**, 45 W Grand River Ave., Ste. 501, Detroit, Michigan 48226.

26. **Richard J. McCarty, Project Manager, Hennessey Engineers**, c/o Rosati, Schultz, Joppich, & Amtsbuechler, P.C., 27555 Executive Dr., Ste. 250, Farmington Hills, Michigan 48331, (248) 489-4100.

27. **Representative, Hennessey Engineers**, c/o Rosati, Schultz, Joppich, & Amtsbuechler, P.C., 27555 Executive Dr., Ste. 250, Farmington Hills, Michigan 48331, (248) 489-4100.

28. **Kris Canty, Carlisle Wortman Associates, Inc.**, 117 N 1st St., Ann Arbor, Michigan 48104, (734) 662-2200.

29. **Representative, Carlisle Wortman Associates, Inc.**, 117 N 1st St., Ann Arbor, Michigan 48104, (734) 662-2200.

30. **TJ O'Brien, Vice President, Hillwood Development**, c/o Zausmer, P.C., 32255 Northwestern Hwy., Ste. 225, Farmington Hills, MI 48334.

31. **Greg Scovitch, Hillwood Development**, c/o Zausmer, P.C., 32255 Northwestern Hwy., Ste. 225, Farmington Hills, MI 48334.

32. **Danny Samson, Hillwood Development**, c/o Zausmer, P.C., 32255 Northwestern Hwy., Ste. 225, Farmington Hills, MI 48334.

33. **Representative, Hillwood Development**, c/o Zausmer, P.C., 32255 Northwestern Hwy., Ste. 225, Farmington Hills, MI 48334.

34. **Elie Torgow, President, Sterling Group**, c/o Zausmer, P.C., 32255 Northwestern Hwy., Ste. 225, Farmington Hills, MI 48334.

35. **Representative, Sterling Group**, c/o Zausmer, P.C., 32255 Northwestern Hwy., Ste. 225, Farmington Hills, MI 48334.

36. **Representative, Kimley-Horn**, 1000 Town Center Ste. 1900, Southfield, Michigan 48075.

37. **Representative, Amazon.com Services LLC**, c/o Davis Wright Tremaine LLP, 920 5th Ave., Ste. 3300, Seattle, WA 98104.

38. **Representative, Home Depot USA, Inc.**, c/o Bondurant Mixson & Elmore LLP, One Atlantic Center, 1201 West Peachtree Street, Ste. 3900, Atlanta, GA 30309.

39. **Representative, Spalding DeDecker**, c/o Sullivan, Ward, Patton, Gleeson, & Felty, P.C., 400 Galleria Officentre, Ste. 500, Southfield, MI 48034.

40. **Marshall Brulez**, c/o Dawda Mann, 39533 Woodward Ave., Ste. 200, Bloomfield Hills, MI 48304.

Safeway will also call the following **expert witnesses**, whose expert reports have been exchanged with the Township separately:

41. **Paul Ghraib, Valuation and Economic Damages Expert**, c/o The Mike Cox Law Firm, PLLC, 17430 Laurel Park Dr. North, Ste. 120E, Livonia, MI 48152.

42. **Carmine Avantini, Land-Use Development Expert**, c/o The Mike Cox Law Firm, PLLC, 17430 Laurel Park Dr. North, Ste. 120E, Livonia, MI 48152

43. **Jeremy Cady, Township Clerk**, and/or all other Township employees/officials that serve as keepers of the records, c/o Defense Counsel, may have information pertaining to the keeping of Township records that are relevant to this matter and produced in this matter.

44. **Representative(s), Safeway Acquisition Company, LLC, Plaintiff**, c/o Plaintiff's Counsel, is likely to have information pertaining to the facts and claims in the Complaint.

45. **Any person or representative of any entity named by Defendants.**

46. **Any person deposed in this case.**

47. **Any person identified in any document still to be produced or mentioned by any witness who is deposed.**

48. **Custodians of records necessary to authenticate any document introduced into evidence.**

49. **Custodian of records for Wayne County, Huron Township and the State of Michigan.**

Exhibit List¹

1. January 9, 2023, Township Planning Commission Meeting Minutes.
2. January 9, 2023, Township Planning Commission Agenda.
3. February 6, 2023, Township Planning Commission Meeting Minutes.
4. February 6, 2023, Township Planning Commission Agenda.
5. March 30, 2022, Email from Kyle Morton to David Glaab.
6. March 30, 2022, Email from Kyle Morton to John Enos.
7. April 20, 2022, Emails between Kyle Morton and David Glaab.
8. November 16, 2022, Email from Andrew Cottrell to John Enos.
9. Notes from November 16, 2022, meeting between Ghafari representatives and John Enos.
10. June 19, 2020, Correspondence from T.J. O'Brien to John Enos.
11. December 15, 2020, Email from John Enos to Ron Moran.
12. January 13, 2021, Email from Ron Moran to John Enos.
13. November 4, 2021, Correspondence from John Enos summarizing “talking points” for November 8, 2021, David Glaab meeting with Ghafari on Sibley Road re-design.
14. January 10, 2023, Email from David Glaab to John Enos.
15. February 8, 2021, Email from Mike Balow to Kyle Morton.
16. May 12, 2021, Email from Mike Balow to Kyle Morton.
17. January 13, 2023, Email from David Glaab to Al Haidous.
18. December 6, 2022, Email from John Enos to Shannon McGovern.
19. September 30, 2020, Email from David Glaab to Mike Balow.

¹ In lieu of more detailed descriptions exhibits to be provided to defense counsel in tabbed and numbered hard copy format.

20. October 1, 2020, Email from David Glaab to Ron Moran.
21. October 7, 2020, Email from David Glaab to Khalil Rahal.
22. October 20, 2020, Email from John Enos to Khalil Rahal.
23. October 13, 2020, Email from John Enos to David Glaab.
24. July 22, 2023, Email from Andrew Cottrell to John Enos.
25. July 23, 2021, Email from John Enos to Andrew Cottrell and Sam Beydoun.
26. July 23, 2021, Email from Andrew Cottrell to John Enos.
27. August 5, 2021, Email from John Enos to Ron Moran and Andrew Cottrell.
28. August 10, 2021, Email from John Enos to Kyle Morton.
29. February 9, 2022, Email from John Enos to Mike Balow.
30. January 2022 Summary of Home Depot Development Prepared by Hillwood Development/Sterling Group.
31. December 9, 2022, Email from Adrew Cottrell to John Enos.
32. November 21, 2022, Email from John Enos to Jill Bauer.
33. September 12, 2021, Email from Angela Cady to set up tour of proposed Home Depot development.
34. December 13, 2022, Email from Sam Beydoun to Kyle Morton.
35. December 13, 2022, Email from Andrew Contrell to Kyle Morton.
36. Email thread between Sam Beydoun and Kyle Morton dated December 13, 2022, through January 24, 2023.
37. Email thread between Kyle Morton and David Glaab dated April 18, 2023, through May 22, 2023.

38. Email thread between Kyle Morton, John Enos, and Jeremy Schrot from April 20, 2022, through April 22, 2022.
39. Email from John Enos to Kyle Morton dated November 14, 2022.
40. Email from Jeremy Schrot to Kyle Morton dated November 14, 2022.
41. Email from Ariana Jeske to Kyle Morton dated June 17, 2022.
42. Email from John Enos to Kyle Morton dated May 24, 2023.
43. Email from John Enos to Kyle Morton, Julia Gibbs, David Glaab, Renee Sprindys dates September 28, 2022.
44. Email from John Enos to Kyle Morton and Ron Moran dated November 22, 2022.
45. Email thread between David and Glaab, Albert Ellis, and Kyle Morton from January 26, 2023, through February 21, 2023.
46. Email thread between Kyle Morton and David Glaab dated April 18, 2023, through April 19, 2023.
47. Email from Christopher Girdwood to Kyle Morton dated May 9, 2022.
48. December 15, 2022, Email from John Enos to Kyle Morton.
49. Email from Christopher Girdwood to Kyle Morton dated October 11, 2022, through October 13, 2022.
50. Email from Jeremy Schrot to Kyle Morton and Ariana Jeske dated October 13, 2021.
51. Emails between Christopher Girdwood, Kyle Morton, and Susan Ausman dated February 27, 2023, through February 28, 2023.
52. Emails between Kyle Morton, Joseph Webb, and Mike Balow dated February 9, 2022 through February 28, 2022.
53. April 20, 2022 through April 25, 2022, Emails from Kyle Morton to Sam Sobh.

54. April 24, 2023, Email from Brian Game to Kyle Morton.
55. June 16, 2022, Email from Kyle Morton to David Glaab.
56. Jume 15, 2022, Email from Jeremy Schrot to Kyle Morton.
57. October 25, 2022, Email from Joseph N. Webb to John Enos and Kyle Morton.
58. December 12, 2022, Email from Joseph N. Webb to Kyle Morton.
59. January 9, 2023, Email from John Enos to Kyle Morton.
60. January 9, 2023, Email from Kevin Gingras to Brian Game.
61. November 10, 2022, Email thread from Kyle Morton to Mark Quimby.
62. November 10, 2022, Email from Kyle Morton to Mr. Glaab.
63. October 26, 2022, Email from Ellen Butler to Kyle Morton.
64. November 11, 2022, Email from Joseph N. Webb to Kyle Morton.
65. June 16, 2015, Spalding DeDecker plans for Wahrman Road Re-alignment.
66. Tax Increment Financing Plans for the Aerotropolis Development Area proposed in Huron Township in or around 2021 and 2022.
67. October 28, 2022, Email from Christopher Girdwood to David Glaab.
68. October 18, 2022, email from John Enos to Kyle Morton.
69. Email thread between Brian Garrott, Marques Thomey, Chris Martella, Mayme D'Alessandro, Kyle Morton, and Christopher Girdwood dated March 18, 2022, through September 20, 2022.
70. July 12, 2021, Email from David Glaab to Christopher Girdwood.
71. January 3, 2023, Email from Ellen Butler to Kyle Morton.
72. April 13, 2022, Proposed Aerotropolis LDFA Proposal.
73. March 24, 2022, Email from Christopher Girdwood to David Glaab.

74. Emails dated December 16, 2022, through December 27, 2022, between Kyle Morton, Ron Moran, Andrew Cottrell, and Sam Beydoun.
75. December 14, 2022, Email from Andrew Cottrell to Kyle Morton and Joseph Webb.
76. May 20, 2022, Revised Site Concept for Safeway Travel Center.
77. Emails dated March 23, 2021, between Kyle Morton and Mike Balow.
78. Email from Christopher Girdwood to Kyle Morton dated January 18, 2023.
79. Emails between Kyle Morton and David Glaab dated April 20, 2022.
80. Emails between Kyle Morton and Joseph N. Webb dated October 25, 2022 through November 7, 2022.
81. Emails between John Enos, Kyle Morton, and Renee Sprindys dated November 15, 2022.
82. August 23, 2021, Correspondence from TJ O'Brien to John Enos.
83. Plans for Sibley Road Re-Design dated March 31, 2008.
84. Plans for Sibley Road Re-Design dated November 24, 2021.
85. Plans for Sibley Road Re-Design dated January 13, 2022.
86. Plans for Sibley Road Re-Design dated September 8, 2022.
87. Any other plans commissioned by the Township related to the re-design of Sibley Road.
88. December 28, 2022, Email from Hennessey Engineering to John Enos.
89. August 2021 Township citizen communications and social-media posts regarding Home Depot development.
90. March 2020 Re-Zoning Application submitted to Township by Marshall Brulez.
91. May 2020 Kimley-Horn Traffic Report prepared for Hillwood Development.

92. October 2020 Kimley-Horn Traffic Report prepared for Hillwood Development.
93. Site plans, engineering drawings, and other documents related to the May 2022 proposed re-design of Wahrman Road.
94. April 10, 2019, Email from Marshall Brulez to Martha Brulez, Adele Konyha, and Marie Dreisbach.
95. Safeway August 11, 2022, Application for Site Plan Review.
96. October 19, 2022, Carlisle Wortman Review.
97. July 2021 Emails between John Enos and Angela Cady regarding Home Depot development.
98. January 4, 2023, Renee Sprindys email to Planning Commission.
99. December 5, 2022, Township Planning Commission Meeting Minutes.
100. December 5, 2022, Revised Safeway Site Plan Application.
101. December 9, 2022, Safeway Travel Center Design Narrative.
102. October 27, 2022, Carlisle Wortman Report regarding the Safeway Travel Center.
103. December 23, 2022, Carlisle Wortman Report regarding the Safeway Travel Center.
104. Drafts of the Carlisle Wortman Report regarding the Safeway Travel Center.
105. December 19, 2022, Hennessey Engineers Review.
106. Huron Township Zoning Ordinance.
107. Huron Township November 2004 Master Plan.
108. Huron Township November 2023 Master Plan.
109. Covenant Deed for Safeway Site.

110. Any documents in the Certified Record on Appeal, ECF Nos. 12-1 through 12-19, and 15-2.
111. Any Township Planning Commission meeting agendas and minutes involving land-use applications submitted by Hillwood Development Co., Sterling Group, Amazon, or Home Depot.
112. Any Township Board of Trustees meeting agendas and minutes involving land-use applications submitted by Hillwood Development Co., Sterling Group, Amazon, or Home Depot.
113. Any communications between the Township and Hillwood Development Co., Sterling Group, Amazon, Home Depot, Hennessey Engineers, Ghafari, Safeway, or any other entity involved in the Pinnacle or Safeway developments.
114. Any site-plan applications, approvals, or other related documents in connection with the Amazon and Home Depot developments in the Township.
115. Any documents produced in this case by either Safeway or the Township.
116. Any documents produced in this case by a third-party pursuant to a subpoena.
117. Any pleadings and other filings in this case, including any documents attached to those pleadings and filings.
118. Any documents provided to or reviewed by any Expert Witness disclosed in this case.
119. Any media articles related to any of the claims, defenses, or other topics that this case involves.
120. Any documents that are necessary as rebuttal evidence.

121. Safeway reserves the right to add, amend, or delete witnesses from its witness lists based on information learned through further discovery and its further investigation of this matter.

Respectfully submitted,
Schenk & Bruetsch, PLC

/s/James P. Allen, Sr.
James P. Allen, Sr. (P52885)
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(313) 774-1000
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Attorneys for Plaintiff

Dated: May 17, 2024

PROOF OF SERVICE

PROOF OF SERVICE I hereby certify that on May 17, 2024, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing and send copy of same to the attorneys of record.

/s/ Audrey Aldrich